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December 15, 2016

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: Notice of Ex Parte Communication, WC Docket Nos. 10-90,
14-58 and 14-259

Dear Secretary Dortch:

On December 13, 2016, the undersigned, along with Jeffrey S. Nordhaus, Executive Vice President - Innovation & Broadband, Empire State Development, and Charles Small, Associate Director of Federal Affairs of the Washington D.C. Office of Governor Andrew Cuomo of New York, met separately with: (i) Commissioner Ajit Pai and his legal advisor, Nicholas Degani; (ii) Claude Aiken, legal advisor to Commissioner Mignon Clyburn; and, (iii) Amy Bender, legal advisor to Commissioner Michael O'Rielly. The purpose of the meetings was to discuss New York's Petition for Expedited Waiver, which is currently pending in the above-captioned proceedings.

During the meetings, the State representatives noted that grant of the waiver would dramatically facilitate the deployment of broadband infrastructure to affected communities in New York. They stated that the waiver would thus help to remove regulatory impediments to the deployment of broadband services in rural communities. Mr. Nordhaus also confirmed that the New York broadband program is technology neutral and open to wireline, fixed wireless, and satellite broadband providers. He indicated that broadband services providing 100 Mbps or greater download speeds are preferred in the auction, but only if bids for such services are

cost reasonable. Broadband services providing 25 Mbps or greater are eligible for the auction in areas where cost-reasonable 100 Mbps services are unavailable. In such cases, New York will award funding to the bidder with the lowest cost of service in the State regardless of technology.

Mr. Small stated that grant of the waiver is not controversial as it has received strong bipartisan support and widespread backing from New York carriers (including Verizon), as well as other states. This support stems from the fact that the waiver would implement a straightforward and cost-saving process by which carriers in New York receive funding directly from the Connect America Fund in coordination with the State's broadband program. Finally, I argued that Commission approval of the Petition is urgent because New York must launch phase three of its broadband auction in the very near future.

Should you have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,

/s/

John M. Beahn

Counsel to Empire State Development